

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.₂

SETH MORGAN,

Defendant.

CASE NO. CR14-100 MJP

ORDER ON MOTION FOR LEAVE
TO STAY TOLLING

Defendant has a 2255 petition currently pending before this Court. (See C18-374MJP.)

This motion, which was filed in his (related) criminal matter, seeks (1) to “correct the 2255 deadline that was presented in the Statement of the Case section of the 2255 filed February 15, 2018,” and (2) “to stay the tolling of the Oct. 21st, 2017 2255 deadline.” (Dkt. No. 222, Motion at 1.)

The motion is DENIED. First, any motion related to Defendant's pending 2255 petition must be filed in that matter, not his criminal case. Second, if Defendant wishes to correct any misstatements in his 2255 petition, he may file an amended petition. And, finally, his attempt to

1 obtain a ruling regarding the tolling of any deadlines in his 2255 petition may be made during the
2 course of any responsive briefing he cares to make in that matter. It is premature for the Court to
3 rule on it in advance of ruling on the 2255 petition as a whole, and any tolling arguments must be
4 made in that case, not his criminal matter.

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6 The clerk is ordered to provide copies of this order to Defendant and to all counsel.

7 Dated: April 17, 2018.

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10 The Honorable Marsha J. Pechman
11 United States Senior District Court Judge